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General Assembly
Security Council

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General Assembly
Sixty-seventh session
Agenda item 36
The situation in the Middle East

Security Council
Sixty-seventh year

Identical letters dated 17 October 2012 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a statistical summary of Israeli violations of Security Council resolution 1701 (2006) committed during the month of September 2012 (see annex).

I should be grateful if you would have the present letter and its annex issued as an official document of the sixty-seventh session of the General Assembly, under agenda item 36, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

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Annex to the identical letters dated 17 October 2012 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Land violations

Date	*Time*	*Nature of violation*
1 September 2012	0800	Israeli enemy personnel conducted manoeuvres in the occupied Shab'a Farms, in the area of Saddanah, in respect of which Lebanon maintains a claim.
3 September 2012	1130	Two Israeli enemy Merkava tanks and a bulldozer crossed the technical fence and the tanks took up combat positions on the outskirts of the town of Rumaysh, in the Wadi Qatmun area.
4 September 2012	0125	Two Israeli enemy tanks crossed the technical fence, without breaching the Blue Line, while proceeding from a post west of Ghajar to a post east of Maysat.
	0630-0815	Intermittent explosions were heard in the occupied Shab'a Farms, near the town of Wazzani.
	0730	Members of an Israeli enemy patrol comprising 20 men and an armoured personnel carrier crossed the technical fence opposite the town of Rumaysh, in the Wadi Qatmun area.
5 September 2012	0830-0925	Israeli enemy vehicles were heard moving about in the Ruwaysat al-Alam outpost and five vehicles were observed in the vicinity of Birkat Naqar inside the occupied Shab'a Farms.
	1000	The Israeli enemy installed a battery-powered receiver dish at the monument to the Israeli soldiers captured in 2000 near Birkat Naqar in the occupied Shab'a Farms. The dish was removed on 7 September 2012.
	2235-2300	Explosions and the sound of heavy vehicles moving around were heard, and flares were launched between the Ramta and Fashkul positions in the occupied Shab'a Farms.
	1800	Hostile personnel who had penetrated into Lebanese territory, breaching the Blue Line, abducted a boy, called Muhammad Jawad, near point B33 on the outskirts of the town of Ayta al-Sha'b and took him into the occupied territories, before returning and releasing him on 14 September 2012 at 2400 hours.
21 September 2012	0500	A camera mounted on a Humvee vehicle belonging to the Israeli enemy was pointed at Lebanese territory from a position west of Ayta al-Sha'b-1.

Date	*Time*	*Nature of violation*
25 September 2012	2040	An Israeli enemy soldier used field glasses to view Lebanese territory from the Labunah-Jall al-Alam position.
30 September 2012	1500	Israeli enemy patrol personnel crossed the technical fence between points B64 and B65, opposite the town of Mays al-Jabal.

Sea violations

Date	*Time*	*Nature of violation*
3 September 2012	2150	An Israeli enemy military launch directed a searchlight for 20 seconds towards Lebanese territorial waters in the region of buoy No. 3.
6 September 2012	2250	From its position in Ra's al-Naqurah, the Israeli enemy directed a searchlight for 20 seconds towards Lebanese territorial waters in the region of buoys Nos. 2 and 3.
8 September 2012	2130	An Israeli enemy launch directed a searchlight for 10 seconds towards Lebanese territorial waters in the region of buoy No. 2.
	2200	From its position in Ra's al-Naqurah, the Israeli enemy directed a searchlight for 15 seconds towards Lebanese territorial waters in the region of buoys Nos. 1, 2, 3 and 4.
21 September 2012	2320	An Israeli enemy launch directed a searchlight for 10 seconds towards Lebanese territorial waters in the region of buoys Nos. 2 and 3.
	2340	An Israeli enemy military launch directed a searchlight for 10 seconds towards Lebanese territorial waters in the region of buoys Nos. 2 and 3.
	2355	An Israeli enemy military launch directed a searchlight for 10 seconds towards Lebanese territorial waters in the region of buoys Nos. 1, 2, 3 and 4.

Air violations

Date	*Time*	*Nature of violation*
2 September 2012	0800	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the South before leaving at 1700 hours over Rumaysh.
	1015	Four Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1200 hours over Alma al-Sha'b.
	1035	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South and Beirut before leaving at 1800 hours over Alma al-Sha'b.
	2100	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over Riyaq and Baalbek before leaving over Kafr Killa at 0640 hours on 3 September 2012.
3 September 2012	1855	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving over Naqurah at 0635 hours on 4 September 2012.
4 September 2012	0800	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the South, the Western Bekaa and Beirut and its suburbs before leaving at 1510 hours over Rumaysh.
5 September 2012	0705	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South and the Western Bekaa before leaving at 1030 hours over Alma al-Sha'b.
	0800	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1030 hours over the sea to the west of Naqurah.
	0805	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the North before leaving at 1345 hours over Kafr Killa.
	1013	Four Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1105 hours over Alma al-Sha'b.
	1020	Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Kilia. They circled over all regions of Lebanon before leaving at 1205 hours over Alma al-Sha'b.

Date	*Time*	*Nature of violation*
	1430	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over Baalbek, Riyaq, Hirmil and Al-Arz (the Cedars) before leaving at 2015 hours over Rumaysh.
	1500	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South before leaving at 1925 hours over Kafr Killa.
	2305	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the Western Bekaa before leaving at 2330 hours over Kafr Killa.
6 September 2012	0700	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Iqlim al-Kharrub and the South before leaving at 1930 hours over Rumaysh.
	0735	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 0925 hours over Naqurah.
7 September 2012	0735	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South, Riyaq and Baalbek before leaving at 2030 hours over Naqurah.
8 September 2012	1325	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 1620 hours over Naqurah.
9 September 2012	0755	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma Sha'b. It circled over the South and the Western Bekaa before leaving at 1600 hours over Naqurah.
	2215	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South and Beirut before leaving over Alma Sha'b at 0405 hours on 10 September 2012.
10 September 2012	0735	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1915 hours over Rumaysh.
11 September 2012	0630	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 1330 hours over Rumaysh.

Date	*Time*	*Nature of violation*
	0830	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 1940 hours over Naqurah.
	1040	Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1230 hours over Alma al-Sha'b.
12 September 2012	0730	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1800 hours over Naqurah.
	0810	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the Western Bekaa and the South before leaving at 1115 hours over Kafr Killa.
	1017	Four Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over the Western Bekaa and the South before leaving at 1125 hours over Rumaysh.
	1155	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the occupied Shab'a Farms. It circled over Hasbayya and the South before leaving at 1420 hours over Aytarun.
13 September 2012	1035	Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1215 hours over the sea west of Naqurah.
15 September 2012	0615	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Riyaq and Baalbek before leaving at 1845 hours over Naqurah.
16 September 2012	0805	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1415 hours over Rumaysh.
	0805	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 1855 hours over Alma al-Sha'b.
17 September 2012	0805	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma Sha'b. It circled over the South and the Bekaa before leaving at 1900 hours over Alma al-Sha'b.
19 September 2012	1015	Four Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1200 hours over Alma al-Sha'b.

Date	*Time*	*Nature of violation*
	1300	Israeli enemy military aircraft violated Lebanese airspace, circling over the South before leaving at 1345 hours.
20 September 2012	0830	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South and the Bekaa before leaving at 2100 hours over Alma al-Sha'b.
21 September 2012	0025	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over Beirut and its suburbs before leaving at 0715 hours over Alma al-Sha'b.
	0840	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South before leaving at 1525 hours over Naqurah.
22 September 2012	0630	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 1810 hours over Rumaysh.
	0705	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1325 hours over Rumaysh.
23 September 2012	0710	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South and the Bekaa before leaving at 1910 hours over Rumaysh.
24 September 2012	0910	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South, the Bekaa and Al-Arz (the Cedars) before leaving at 1915 hours over Naqurah.
	0935	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Aytarun. It circled over the South and Iqlim al-Kharrub before leaving at 1440 hours over the sea west of Naqurah.
	1055	Ten Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Sidon. They circled over all regions of Lebanon before leaving at 1230 hours over the sea west of Naqurah.
27 September 2012	0815	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the South before leaving at 1145 hours over Alma al-Sha'b.
	1405	Four Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1555 hours over the sea off Naqurah.

Date	*Time*	*Nature of violation*
	1405	Two Israeli enemy warplanes violated Lebanese airspace, entering over the occupied Shab'a Farms. They circled over all regions of Lebanon before leaving at 1555 hours over the sea off Naqurah.
28 September 2012	0730	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Beirut and its suburbs before leaving at 1855 hours over Naqurah.
	0750	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 1305 hours over Alma al-Sha'b.
29 September 2012	0715	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the South before leaving at 1520 hours over Rumaysh.

United Nations A/67/537

General Assembly

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Sixty-seventh session
Agenda item 8
General debate

Letter dated 3 October 2012 from the Permanent Representative of Paraguay to the United Nations addressed to the President of the General Assembly

I have the honour to enclose a statement by the delegation of Paraguay in exercise of the right of reply to the remarks by the Minister for Foreign Affairs of Uruguay, Luis Almagro, on Saturday, 29 September 2012 during the general debate of the General Assembly at its sixty-seventh regular session (see annex).

I should be grateful if this note and the enclosed statement could be circulated to all Members as a document of the General Assembly under agenda item 8.

(*Signed*) José Antonio **Dos Santos**
Ambassador
Permanent Representative

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Annex to the letter dated 3 October 2012 from the Permanent Representative of Paraguay to the United Nations addressed to the President of the General Assembly

New York, 3 October 2012

Paraguay rejects in toto the statements by the Minister for Foreign Affairs of Uruguay referring to Paraguay as being violations of the purposes and principles of the United Nations regarding equality of rights and self-determination of peoples, sovereign equality of all Members and non-intervention in internal affairs.

Paraguay, as a landlocked developing country, and thus a member of one of the vulnerable groups recognized by the United Nations, wishes to recall the situation of exclusion to which it has been subjected in the Common Market of the South (MERCOSUR) and Union of South American Nations (UNASUR), integration mechanisms of which it is a founding State party, in that it has been suspended, in its absence, by means of illegitimate, unlawful, and hence arbitrary decisions. The countries concerned have taken vitally important decisions in open violation of international treaties.

At the hemispheric level, the report of the Mission to Paraguay from 1-3 July 2012 of the Secretary-General of Organization of American States (OAS), Jose Miguel Insulza, and a delegation serves to confirm the situation of absolute normality and respect for the rule of law prevailing in Paraguay. On that basis, no sanctions were imposed on Paraguay by the Organization, which has approved the Electoral Observer Mission for the April 2013 general elections.

This situation undoubtedly reflects the fact that constitutional processes have been respected in Paraguay, which categorically rejects any reference to a breakdown of constitutional order.

Paraguay deplores the fact that the Foreign Minister of Uruguay has without any justification called Paraguayan democracy in question, while ignoring the serious violations of democracy and human rights in other countries of the region.

United Nations A/67/538

General Assembly

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19 October 2012

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Sixty-seventh session
Agenda item 141
Administration of justice at the United Nations

Letter dated 10 October 2012 from the Secretary-General to the President of the General Assembly

I have the honour to transmit a letter dated 4 October 2012 that I received from Judge Vinod Boolell, President of the United Nations Dispute Tribunal (see annex), forwarding two enclosures that convey the observations of the judges of the Dispute Tribunal on the recommendations contained in the report of the Internal Justice Council (A/67/98) and my report on the administration of justice at the United Nations (A/67/265 and Corr.1) under item 141 of the agenda of the General Assembly, entitled "Administration of justice at the United Nations".

Judge Boolell requests that the letter and its enclosures be circulated as a document of the General Assembly.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 4 October 2012 from the President of the United Nations Dispute Tribunal to the Secretary-General

I have the honour to write to you on behalf of the judges of the United Nations Dispute Tribunal to convey our concern in regard to some observations and recommendations contained in the report of the Secretary-General (A/67/265) and the report of the Internal Justice Council (A/67/98) under item 141 of the agenda of the General Assembly, entitled "Administration of justice at the United Nations". I am attaching two documents that set out briefly the observations of the judges of the Dispute Tribunal on the above-mentioned reports (see enclosures I and II).

I should be grateful if the present letter and its enclosures could be communicated to the President of the General Assembly for their transmittal to, and consideration by, the Sixth Committee, and for their circulation as a document under agenda item 141.

(*Signed*) Vinod **Boolell**
President
United Nations Dispute Tribunal

Enclosure I

Administration of justice at the United Nations

Observations by the judges of the United Nations Dispute Tribunal on recommendations contained in the report of the Internal Justice Council

1. After careful thought and deliberation, the judges of the United Nations Dispute Tribunal have come to the conclusion that it is their duty to the General Assembly, as independent judges, to present their views on some of the issues contained in the report of the Internal Justice Council (A/67/98) under item 141 of the agenda, in relation to the work of the Dispute Tribunal.

2. The judges are especially concerned about the observations made on the complaints mechanism for judges and the reference to a case of alleged impropriety by a sitting judge.

Complaints mechanism

3. At paragraph 14 of the report, the Internal Justice Council recommends that complaints against judges should be determined by the three external jurists on the Council.

4. The judges recall that in a letter dated 7 October 2011 (A/66/507) addressed to the President of the General Assembly by Judge Memooda Ebrahim-Carstens, in her capacity as President of the Dispute Tribunal, they expressed the view that such complaints should be reviewed by a panel consisting of the President and two judges of the Dispute Tribunal. The judges explained that the composition of the Internal Justice Council, which includes staff and management representatives, disqualifies it for this task. Furthermore, the body responsible for selecting and recommending candidates to the General Assembly for appointment as judges should not play a key role in the complaints procedure.

5. The judges note with concern that the Internal Justice Council has nevertheless returned with the same recommendation. The judges maintain that such complaints must be dealt with by the judges themselves. The concern that the Council refers to regarding a perception of impartiality on the part of judges in dealing with a complaint against one of their peers is misplaced. It is a practice that exists in many national and international jurisdictions, including the International Criminal Court, the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the International Court of Justice and a number of international or regional administrative tribunals.

6. The judges note with great concern and disappointment that the Internal Justice Council refers, at paragraph 12, to a complaint of alleged impropriety by a sitting judge in order to explain the need for a complaints mechanism. The complaint cited by the Council was never properly investigated by it, nor was the judge in question given an opportunity to respond to the allegations. The substance of the example provided by the Council, in the absence of authority for the Council to be seized of such a complaint, and given that the complaint in question was exhaustively dealt with by the President of the Dispute Tribunal, reflects an

unjustified and blatant breach of the rules of natural justice. The judges take strong exception to paragraph 12 of the report.

Half-time and ad litem judges

7. At paragraph 24 of the report, the Internal Justice Council recommends that the need for an additional half-time judge might be avoided if the half-time judges were remunerated at 75 per cent of the cost of a full-time judge, which would enable the half-time judges to devote more than six months per year to the Dispute Tribunal.

8. The judges take the view that extreme prudence should be exercised in this regard. The judges have advocated for an additional full-time judge at each duty station of the Dispute Tribunal, and that point is mentioned at paragraph 22 of the report. Allocating more resources for the half-time judges might, in the long run, compromise the appointment of an additional full-time judge at each duty station.

9. At paragraph 21 of the report, the Internal Justice Council maintains its view that it is not desirable to extend the terms of ad litem judges continually. In the present uncertain climate, the alternative to the establishment of an additional full-time judge at each duty station would be to extend the terms of the ad litem judges by at least two years, leaving the half-time judges' conditions of service unchanged.

Judicial symposium on the work of the Tribunals

10. At paragraph 43 of the report, the Internal Justice Council writes:

> The Internal Justice Council, and particularly its Chair, worked with Brandeis University in the United States of America (which has a well-established programme for training international judges) and Osgoode Hall Law School in Canada (which has a fine reputation for legal training) to organize a symposium with the United Nations judges about the performance of the internal justice system. To the Council's great disappointment, the project had to be shelved.

11. While they fully agree that the symposium was a missed opportunity, the judges would welcome participation in such a symposium in the future. The judges propose that the matter be discussed at the earliest opportunity between the Chair of the Internal Justice Council and the President of the Dispute Tribunal to maximize the usefulness of the symposium for the judges of the Dispute Tribunal.

Code of conduct for lawyers or representatives of litigants

12. The judges note that the Internal Justice Council is proposing, at paragraph 44, a code of conduct that will regulate the conduct of external lawyers and representatives who appear before the Dispute Tribunal. The proposed code does not seek to regulate the conduct of counsel appearing for the Secretary-General who are staff of the United Nations, and it is based on the premise that staff members appearing before the Tribunal will be regulated by the existing Staff Regulations and Rules.

13. The judges are of the view that the proposed code would be wholly inadequate and inappropriate. A staff member who represents the Secretary-General or applicant should be regulated by the same code of conduct as external counsel.

There should not be two categories of lawyers or representatives appearing before the Dispute Tribunal.

14. There is nothing in the Staff Regulations and Rules that empowers the Dispute Tribunal to take or recommend any action against a staff member appearing as counsel for the Secretary-General or applicant before the Dispute Tribunal except for the referral on accountability. In the case of lawyers or representatives who are staff members of the United Nations, the Dispute Tribunal will be unable to enforce discipline and ethical behaviour if those staff members are placed outside the ambit of a code of conduct. A code of conduct imposing ethical behaviour before a court of law is not to be assimilated to regulations and rules governing the terms of service of staff members. A judge must be in a position within the framework of a code of conduct to take appropriate action promptly in the case of unethical behaviour on the part of counsel without having to go through the lengthy accountability process.

15. Experience has shown that it is very difficult, if not impossible, to achieve any positive action in regard to staff members under article 10.8 of the statute of the Dispute Tribunal regarding accountability. In the case of lawyers or representatives who are staff members, the Dispute Tribunal will be unable to enforce discipline and ethical behaviour if those staff members are placed outside the ambit of a code of conduct.

Enclosure II

Administration of justice at the United Nations

Observations by the judges of the United Nations Dispute Tribunal on recommendations contained in the report of the Secretary-General

Mechanisms for addressing possible misconduct of judges

1. The Secretary-General makes his recommendation in annex VII, section B, paragraphs 2 and 3, of his report (A/67/265 and Corr.1).

2. At paragraph 2, the Secretary-General writes:

> In his reports contained in documents A/63/314 and A/66/275 and Corr.1, the Secretary-General proposed that allegations regarding the misconduct or incapacity of a judge of either the Dispute Tribunal or the Appeals Tribunal should be reported to the President of the relevant Tribunal. Upon receipt of such a complaint, after preliminary review, the President would establish a panel of experts to investigate the allegations and report its conclusions and recommendations to the Tribunal. All judges of the Tribunal, with the exception of the judge under investigation, would review the report of the panel. Should there be a unanimous opinion that the complaint of misconduct or incapacity was well-founded and where the matter was of sufficient severity to suggest that the removal of the judge would be warranted, they would so advise the President of the Tribunal, who would report the matter to the General Assembly and request the removal of the judge. In cases where the complaint of misconduct or incapacity was determined to be well-founded but was not sufficient to warrant the judge's removal, the President would be authorized to take corrective action, as appropriate. Such corrective action could include issuing a reprimand or a warning. The President would submit a report to the General Assembly on the disposition of complaints. The types of misconduct that would warrant the sanctioning of a judge would be violations of the code of conduct for the judges or violations of the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission, as set out in Secretary-General's bulletin ST/SGB/2002/9.

3. At paragraph 3 of the same section, the Secretary-General justifies his recommendation:

> The proposal of the Secretary-General is in line with the practice of a number of international organizations. The African Development Bank, the Asian Development Bank, the International Monetary Fund and the former United Nations Administrative Tribunal all stipulate in their statutes that a determination to remove a judge requires the agreement of all the other judges of the tribunal. Similarly, a concurrence of a majority of the judges is required to remove a judge under the statutes of the International Criminal Court and the European Union Civil Service Tribunal. In addition, the proposal that the court reviewing a complaint against a judge may issue corrective action, such as a reprimand or warning, is recognized in the judicial systems of a number of Member States.

4. The judges fully endorse and support that recommendation as it has the merit of affording the judges the responsibility to deal with cases of misconduct or incapacity of judges. The judges would wish to emphasize, however, that they should be consulted when the details of the complaint mechanism are worked out.

Code of conduct for lawyers or representatives of litigants

5. The judges note that the Secretary-General, in annex VIII of the report, is proposing that there should be a code of conduct for legal representatives who are not staff members. The report justifies that recommendation on the grounds that the staff members who appear before the Dispute Tribunal are already subject to a regulatory framework as international civil servants. The Secretary-General refers to the existing rule that empowers the Dispute Tribunal to refer appropriate cases to the Secretary-General or the executive heads of separately administered United Nations funds and programmes for possible action to enforce accountability.

6. The judges are of the view that the proposed code would be both inadequate and inappropriate. The behaviour of a staff member who represents the Secretary-General or an applicant should be regulated by the same code of conduct. There should not be two categories of lawyers or representatives appearing before the United Nations Dispute Tribunal. In many jurisdictions, counsel who are employed by the State are governed by rules pertaining to the public service and also by the code of conduct applicable to all lawyers.

7. There is nothing in the Staff Regulations and Rules that empowers the Dispute Tribunal to take or recommend any action against a staff member appearing as counsel for the Secretary-General before the Dispute Tribunal except for the referral on accountability. A code of conduct imposing ethical behaviour before a court of law is not to be assimilated to regulations and rules governing the terms of service of staff members. A judge must be in a position within the framework of a code of conduct to take appropriate action promptly in the case of unethical behaviour on the part of counsel without having to go through the lengthy accountability process.

8. Experience has shown that it is very difficult, if not impossible, to achieve any positive action in regard to staff members under article 10.8 of the Statute of the Dispute Tribunal regarding accountability. In the case of the lawyers or representatives who are staff members, the Dispute Tribunal will be unable to enforce discipline and ethical behaviour if those staff members are placed outside the ambit of a code of conduct.

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Sixty-seventh session
Agenda item 130
Programme budget for the biennium 2012-2013

Use of private security

Report of the Secretary-General

Summary

The present report is submitted pursuant to paragraph 113 of General Assembly resolution 66/246, in which the Assembly requested the Secretary-General to review the appropriateness of the use of private security personnel, particularly in situations in which they were the only option available to provide safety and security for staff, and to report thereon to the Assembly at its sixty-seventh session.

The Secretary-General provides herein information on the Organization's review of the appropriate use of private security companies. He highlights the background to the Organization's use of private security, its efforts to review the appropriateness of the use of private security as the last resort to provide safety and security for United Nations personnel and the latest developments in efforts by organizations of the United Nations system to establish criteria, a policy and guidelines on the use of armed private security companies in order to ensure due diligence in their use, respect for the Charter of the United Nations and international law, including human rights and humanitarian law, and compliance with United Nations administrative policies and procedures.

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I. Introduction

1. In paragraph 113 of its resolution 66/246, the General Assembly requested the Secretary-General to review the appropriateness of the use of private security personnel, particularly in situations in which they were the only option available to provide safety and security for staff, and to report thereon to the Assembly at its sixty-seventh session.

2. In the present report, the Secretary-General highlights the background to the Organization's use of private security companies, both armed and unarmed, its efforts to review the appropriateness of the use of private security as the last resort to provide safety and security for United Nations personnel[1] and the latest developments in efforts by organizations of the United Nations system to establish criteria, a policy and guidelines on the use of armed private security companies in order to ensure due diligence in their use, respect for the Charter of the United Nations, international law, including human rights and humanitarian law, and relevant United Nations resolutions, including General Assembly resolution 55/232 on outsourcing practices, and compliance with United Nations administrative policies and procedures.

II. Background

3. The United Nations has long used private security companies, mostly involving unarmed local contractors to secure premises for the protection of United Nations personnel and/or assets against criminal activities. In recent years, however, faced with demands from Member States to carry out mandates and programmes in high-risk environments, in addition to increased evidence that the United Nations is a specific target in some such environments, organizations of the United Nations system have, as a last resort, contracted armed private security companies to protect United Nations personnel, premises and assets. This has occurred where there was no other means to ensure the protection of United Nations personnel and operations by the host Government, Member States or the United Nations system. The use of armed private security companies has enabled operations in situations in which there was a mandated need for the United Nations system to carry out its work, such as in complex emergency situations and post-conflict or conflict areas.

4. In response to changes in the international security landscape and the increased demand for United Nations operations in high-risk areas, the use of private security companies has, in some cases, expanded to include the provision of armed guards and armed escorts. Consequently, a critical need arose for the Organization to develop a common United Nations system-wide policy, criteria and guidelines for the appropriate use of armed private security companies as the last

[1] For the purpose of the present report, the term "United Nations personnel" refers to all personnel covered by the United Nations security management system, including United Nations system personnel, United Nations Volunteers, individually deployed military and police personnel in missions led by the Department of Peacekeeping Operations or Department of Political Affairs, consultants, individual contractors, experts on mission and other officials with a direct contractual agreement with an organization of the United Nations system. The term does not refer to military members of national contingents or members of formed police units when deployed with their contingent.

resort in protecting United Nations personnel, assets and operations. At the same time, the international community recognized that there was a need to establish international standards and a code of conduct for the use of private security companies.

5. From 2007 until recently, the United Nations security management system had in place only guidelines on the use of armed guards, set out in the United Nations Field Security Handbook (2006), which were the only guidelines covering the use of armed private security personnel.

6. In August 2010, in its report to the General Assembly, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, said that the United Nations lacked a firm system-wide policy governing the hiring of private military and security companies, including issues related to the vetting and monitoring of the companies and their personnel. It advised the Organization to take precautionary measures to ensure that, if and when it outsourced its security and protection functions, it did so in accordance with the Charter and with international human rights standards and with proper management and oversight (A/65/325, para. 31).

7. Meanwhile, the United Nations security management system[2] has evolved in recent years to the point where there is an effective system in place for evaluating threat and risk and to implement appropriate mitigating measures to reduce risks against the United Nations system. In 2002, the Secretary-General introduced a framework for accountability for the United Nations security management system (A/57/365) as the cornerstone of security-related responsibilities and accountability for decisions and actions at all levels. He then issued a report in 2010 containing a revised version of the framework (A/65/320 and Corr.1). After the General Assembly took note of that report, including the revised framework, in its resolution 65/259, the revised framework was disseminated throughout the United Nations security management system in 2011.

8. In May 2011, cognizant that there was a need to review the appropriateness of the use of armed private security companies and their personnel, the Secretary-General decided, on the basis of consultations within the United Nations system, that the Organization should resort to the use of armed private security companies and their personnel only as the last option to enable United Nations activities in high-risk environments; that the United Nations should exercise that option only when a United Nations security risk assessment had concluded that other alternatives, including protection by the host country, other support from Member States or internal United Nations system resources, were insufficient; and that the use by the United Nations of an armed private security company should be consistent with national and international law, the Charter and relevant United Nations resolutions, including General Assembly resolution 55/232 on outsourcing practices, and relevant United Nations administrative policies and guidelines.

9. Moreover, the following criteria were established for the use of armed private security companies:

[2] The United Nations security management system is applicable to and includes all organizations of the United Nations system and a small number of other non-United Nations entities that have signed a memorandum of understanding with the United Nations on security management.

(a) The decision to contract an armed private security company should be taken in accordance with existing approval processes and accountability mechanisms for all security-related decisions;

(b) The United Nations should use services provided by armed private security companies only to cover guarding of personnel at United Nations facilities and mobile armed escorts;

(c) An armed private security company contracted by the United Nations should come under the clear authority and direction of the appropriate organization of the United Nations system with specific policies and guidelines for the United Nations security management system;

(d) In procuring the services of an armed private security company, the United Nations should ensure adherence to the Financial Regulations and Rules and procurement policies and procedures and should choose only companies that meet agreed criteria according to the established vetting standards and mechanisms.

10. The Department of Safety and Security was tasked with the responsibility of developing, together with the Inter-Agency Security Management Network, appropriate policies and guidelines on the use of armed private security companies that would be applicable to all organizations of the United Nations system.

III. Recent developments

11. To implement the above-mentioned decision of the Secretary-General, the Inter-Agency Security Management Network established a working group on 18 August 2011, under the chairship of the Department of Safety and Security, to develop a draft policy and guidelines on the use of armed private security companies that would be applicable within the United Nations security management system.

12. The working group reviewed issues pertinent to the use of armed private security companies and their personnel and developed a draft policy that proposes a clear decision-making framework and addresses accountability issues regarding the use of armed private security companies by the United Nations. The draft policy provides the structure for determining whether the services of armed private security companies and their personnel are required and sets out the necessary criteria to be met. It states that such companies may be used only in circumstances in which the provision of armed security by the host country, a Member State or Member States or the use of United Nations resources is not possible or appropriate. It emphasizes the need for strict use-of-force protocols (as found in the Security Policy Manual, adopted in 2011) and describes the management and oversight responsibilities of the United Nations in line with the framework for accountability of the United Nations security management system.

13. Following a rigorous process of inter-agency and interdepartmental review, in June 2012, the Inter-Agency Security Management Network adopted a policy and guidelines governing the use of armed private security companies. The policy specifies that the United Nations system may use services provided by armed private security companies only to protect United Nations personnel, premises and property and to provide mobile protection for United Nations personnel and assets. The main elements of this policy include the above-mentioned criteria for the use of

armed private security companies, which are in accordance with international law and in compliance with the Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict.[3] The policy outlines the procurement process, including the establishment of a model contract, statement of works and the mechanisms for ensuring accountability at all levels within the United Nations security management system.

14. In September 2012, the High-level Committee on Management endorsed the policy, guidelines, model contract and statement of works on the use of armed private security companies for submission to the United Nations System Chief Executives Board for Coordination in November 2012.

IV. Observations

15. **In high-risk environments, the use of private security is but one tool to protect United Nations personnel and assets and enable the delivery of mandated programmes. By common agreement and policy, it is a tool for use only when other possibilities have been exhausted.**

16. **The development of a common policy on the use of armed private security companies, which is the final stages of approval, is an important contribution to the Organization's efforts to ensure accountability at all levels.**

17. **The Organization remains committed to focusing its attention on tackling operational and policy challenges relating to the appropriate use of armed private security companies and their personnel in order to ensure respect for international human rights and humanitarian law, adherence to internationally accepted standards of conduct and best practices for the use of private security companies and their personnel, and compliance with United Nations administrative policies and procedures.**

V. Action to be taken by the General Assembly

18. The General Assembly is requested to take note of the present report.

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[3] The Montreux Document is an agreement regarding the obligations of signature countries in relation to private military and security companies operating in war zones. It was signed in Montreux, Switzerland, in September 2008. The document lists some 70 recommendations for State practices, such as verifying a company's track record, examining procedures used to vet staff, carrying out prosecutions when breaches of law occur and ensuring compliance with and training in international humanitarian and human rights law.

United Nations A/67/540–S/2012/778

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Security Council

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General Assembly
Sixty-seventh session
Agenda item 105
Measures to eliminate international terrorism

Security Council
Sixty-seventh year

Identical letters dated 19 October 2012 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, I have the honour to attach herewith a list that contains the names and the nationalities of 108 foreign individuals who were arrested by the Syrian authorities. The list provides the reasons for the arrest of each individual, which are related to engagement in terrorist activities in the Syrian Arab Republic.

It would be highly appreciated if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 105, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

12-56496 (E) 021112 051112

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Annex to the identical letters dated 19 October 2012 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of the 108 non-Syrian nationals who have been arrested in Syria during the current events

No.	*Nationality*	*Name*	*Criminal act*
1	Iraqi	Ahmad Shahab Ahmad	Committed several murders and abductions with the aim of obtaining ransoms. Planned to kill an assistant of the Minister of the Interior. An audacious swindler; passed counterfeit US$. Was in communication with the leadership of the so-called Free Army and the Ghutah *tansiqiyyat* (coordination groups).
2	Iraqi	Ali Husain Madghan	Committed several murders and abductions with the aim of obtaining ransoms. Planned to kill an assistant of the Minister of the Interior. An audacious swindler; passed counterfeit US$. Was in communication with the leadership of the so-called Free Army and the Ghutah *tansiqiyyat*.
3	Iraqi	Mujid Hamid Salman	Committed several murders and abductions with the aim of obtaining ransoms. Planned to kill an assistant of the Minister of the Interior. An audacious swindler; passed counterfeit US$. Was in communication with the leadership of the so-called Free Army and the Ghutah rebels.
4	Iraqi	Mu'taz Sulaiman Talib	Committed several murders and abductions with the aim of obtaining ransoms. Planned to kill an assistant of the Minister of the Interior. An audacious swindler; passed counterfeit US$. Was in communication with the leadership of the so-called Free Army and the Ghutah rebels.
5	Iraqi	Ghanam Hanin Ahmad al-Kindi	Arrested in Syria; admitted he was a member of the terrorist Al-Qaida organization.
6	Iraqi	Asim Abdulghani Mahmud Abbush	Member of Al-Qaida in Iraq. Took part in an attack against a Syrian border post near Bab al-Hawa and in attacks in the Akhtarin district and on a police station in Khanasir. Booby-trapped a pickup vehicle belonging to the so-called chief of the organization in Aleppo, with the intention of blowing it up in the Sakhur quarter of that city.
7	Iraqi	Laith Battal Qathim	Member of Al-Qaida in Iraq. Came to Syria in 2008. Taught ways of making three kinds of incendiary device.

No.	*Nationality*	*Name*	*Criminal act*
8	Iraqi	Muhammad Ahmad Huwair	Member of Al-Qaida in Iraq. Entered the country in 2008. Lived in the Ba'rbaya area where he met another Iraqi, Adbulhamid Hamad Shalash, a member of Al-Qaida. Took part in transporting three military rifles and 11 bombs from the Iraqi-Syrian borders to the house of Adbulhamid Shalash.
9	Iraqi	Ya'qub Muhammad Abdulrahman	Member of Al-Qaida. Involved in funding and giving refuge in his house in Qamishli to the so-called legitimate leader of Al-Qaida in Syria, the Iraqi Husain al-Jaburi (Abu Musab).
10	Iraqi	Sa'd Abdulkarim Rajab al-Jamili	Former member of Al-Qaida. Entered Syria with the aim of going to the Jasim area of Dar'a, joining the armed groups and fighting the Syrian Arab security forces and army.
11	Iraqi	Bashar [illegible]	Proven relationship with the armed terrorist groups. Undertook terrorist operations in Haffah, Ladhiqiyah governorate. Fought the army and security forces and set fire to military buildings.
12	Egyptian	Abdulrahim Hassan Shalabi	Involved in the armed groups' acts of insurrection. Observed the movements of the army and security and informed the armed groups thereof, thus enabling them to ambush and target them.
13	Palestinian	Darar Ismail Mahmud Abu Awda	Belonged to an outlawed organization, the terrorist Al-Qaida organization, that aims to change the nature of the State and the basic status of society.
14	Palestinian/ Syrian	Hazim Fu'ad Mazawi	A quantity of live ammunition was found in his car. Has a proven relationship with the terrorist groups.
15	Palestinian/ Lebanese	Muhammad Walid al-Asadi	Entered Syria illegally with the intention of carrying out terrorist operations in Ladhiqiyah.
16	Palestinian/ Lebanese	Ayman Ahmad al-Gharbi	Joined an armed group and took part with it in attacking army checkpoints and detonating explosive devices.
17	Palestinian/ Syrian	Sa'id Adnan Habash	Sheltered armed men in the Khalidiyah quarter and stole a tanker belonging to the Homs fire brigade.
18	Palestinian/ Syrian	Turki Khalid Awd	Took part in an attack on the Mukhayyam position in Dar'a, which was blown up; photographed the incident on his mobile telephone.
19	Palestinian/ Algerian	Fu'ad Abdulrahman Bubakri	Took part in terrorist operations.

No.	*Nationality*	*Name*	*Criminal act*
20	Lebanese	Abdulmajid Mahmud Matar	A member of the armed terrorist group that opened fire on personnel at the al-madinah al-jami'iyah checkpoint in Homs.
21	Lebanese	Khadrah Muhammad Fiyyad	Involved with a terrorist group; transported arms and planted explosive devices.
22	Lebanese	Muhammad Jamil al-Khatib	Carried out terrorist operations using military arms; invaded State property and vital installations; committed rapes and murders and displayed the bodies; stirred up sectarian strife and armed rebellion.
23	Lebanese	Fadi Faisal Musa	Smuggled quantitites of military arms and ammunition and drugs for the armed groups.
24	Lebanese	Muhammad Amir Amir	Carried out terrorist operations which caused damage to property and loss of life. Smuggled arms despatched by the *mustaqbal* (Future) faction and distributed them to armed terrorist groups. Took part in the attack on the army checkpoint in the village of Nizariyah.
25	Lebanese	Kamal Ali Abu Jabal	Engaged in various types of smuggling operation, including of arms.
26	Lebanese	Musa Muhammad Amir	Joined the armed terrorist groups and opened fire on demonstrators in order to bring suspicion on the army and the security forces. Took part in attacks on army checkpoints that caused the deaths of several personnel. Transported arms and ammunition on behalf of the terrorist groups.
27	Lebanese	Mubarak Ratib al-Omar	Transported arms and ammunition and armed men in his taxi on behalf of the terrorist groups.
28	Lebanese	Abdulrahman Muhammad Shawk	Entered the country illegally in order to take part in "jihad" in Syria.
29	Lebanese	Omar Khalid Salahaddin	Entered the country illegally in order to take part in "jihad" in Syria.
30	Lebanese	Muhammad Yusif al-Huwaidi	Entered the country illegally in order to take part in "jihad" in Syria.
31	Lebanese	Hassan Ahmad Jizzinini	Entered the country illegally in order to take part in "jihad" in Syria.
32	Lebanese	Muhammad Abdulrahman Ammar	Took part in destructive operations in Homs. Trained persons in detonation operations and booby-traps.

No.	*Nationality*	*Name*	*Criminal act*
33	Lebanese	Muhammad Hussain Faris	Joined an armed group and took part with it in attacking army checkpoints and carrying out abductions. Smuggled arms and ammunition on its behalf from Lebanon into Syria. Also smuggled in 50 Arab terrorists and 30 foreign journalists.
34	Lebanese	Ra'id Rashid Hamud	Smuggled arms and ammunition from Lebanon into Syria.
35	Lebanese	Khalid Qasim Abdulhadi	Smuggled arms and ammunition from Lebanon into Syria on behalf of the armed groups.
36	Lebanese	Mustafa Muhammad al-Masri	Joined an armed group and took part with it in attacking army checkpoints. Smuggled arms and ammunition on its behalf.
37	Lebanese	Muhammad Ahmad Matar	Smuggled arms and ammunition from Lebanon into Syria on behalf of the armed groups.
38	Lebanese	Mahmud Salih al-Masri	Smuggled arms and ammunition from Lebanon into Syria and opened fire on border guards.
39	Lebanese	Muhammad Nawwaf al-Najm	Linked to terrorist groups in the Wadi Khalid area; had dealings with armed men in Syria; smuggled persons, drugs and arms into Syria.
40	Jordanian	Abdulsalam Ahmad Muhammad Ismail	Distributed dynamite to saboteurs in the Palestinian Raml camp and took part with them at targeting the army with it when it entered that camp. Targeted security and army patrols with explosive devices.
41	Jordanian	Manadil Muhammad Ibrahim al-Hamaida	Formed an armed terrorist group and stole the property of civilians.
42	Jordanian	Ahmad Bahrawi Buhairi al-Munay'a	Took part in terrorist operations by ensuring the supply of the materials necessary for the assembly of explosive devices. Helped to make such devices for the armed terrorist groups.
43	Jordanian/ Syrian	Abdulhadi Ghassan al-Sakhni, known as Abdulhadi al-Durubi	Supplied and purchased arms for terrorist groups in Qariyatayn and had links with all the armed men in that town who undertook terrorist operations against the army.
44	Jordanian	Muhammad Hussain Muhammad Ibrahim	Entered the country illegally in order to fight with the armed terrorist groups.
45	Jordanian	Abdulrahman Jamal Asir Titi ??	Entered the country illegally in order to fight with the armed terrorist groups.
46	Jordanian	Hussain Ghazi Hussain	Took part in the operations of a terrorist group.
47	Tunisian	Suhail bin Zuhair al-Saqsali	Entered the country illegally in order to fight with the armed terrorist groups.

No.	*Nationality*	*Name*	*Criminal act*
48	Tunisian	Majdi al-Hiyari bin al-Hiyathi	Entered the country illegally in order to fight with the armed terrorist groups.
49	Tunisian	Muhammad a-Trabulis bin al-Sharif	Entered the country illegally in order to fight with the armed terrorist groups.
50	Tunisian	Usama Hathli bin Mukhtar	Entered the country illegally in order to fight with the armed terrorist groups.
51	Tunisian	Walid Thafar bin Ali	Entered the country illegally in order to fight with the armed terrorist groups.
52	Tunisian	Sami Kamal bin Mahazz bin Ashur	Entered the country illegally in order to fight with the armed terrorist groups.
53	Tunisian	Rida Bay bin Abdulaziz	Entered the country illegally in order to fight with the armed terrorist groups.
54	Tunisian	Muhammad Ali Daifallah	Entered the country illegally in order to fight with the armed terrorist groups.
55	Tunisian	Wisam Kamal bin Halimah	Entered the country illegally in order to fight with the armed terrorist groups.
56	Tunisian	Ramadan bin Wasif Sultani	Entered the country illegally in order to fight with the armed terrorist groups.
57	Tunisian	Muhammad Tuhami Mai	Entered the country illegally in order to fight with the armed terrorist groups.
58	Tunisian	Sa'ud Muhammad Gharma	Entered the country illegally in order to fight with the armed terrorist groups.
59	Tunisian	Wahid Abdulla Fadil	Entered the country illegally in order to fight with the armed terrorist groups.
60	Tunisian	Bilal Marzuqi bin Abdulla	Entered the country illegally in order to fight with the armed terrorist groups.
61	Tunisian	Haikal Abdulwahid al-Tuwaini	Entered the country illegally in order to fight with the armed terrorist groups.
62	Tunisian	Uqbah bin Muhammad al-Nasiri	Entered the country illegally in order to fight with the armed terrorist groups.
63	Tunisian	Amin bin Muhammad Nasibi	Entered the country illegally in order to fight with the armed terrorist groups.
64	Tunisian	Bilal Mustapha al-Iari	Entered the country illegally in order to fight with the armed terrorist groups.
65	Tunisian	Ziyad bin bu Jum'a al-Iari	Entered the country illegally in order to fight with the armed terrorist groups.

No.	*Nationality*	*Name*	*Criminal act*
66	Tunisian	Izzaddine bin Rashid Shabah	Entered the country illegally in order to fight with the armed terrorist groups.
67	Tunisian	Munsif bin bu Jum'a Sultani	Entered the country illegally in order to fight with the armed terrorist groups.
68	Tunisian	Yasin Nassraddine bin Abdulla	Entered the country illegally in order to fight with the armed terrorist groups.
69	Tunisian	Muhammad Khalid bin Thabit	Entered the country illegally in order to fight with the armed terrorist groups.
70	Tunisian	Ali Muhammad al-Haddad	Entered the country illegally in order to fight with the armed terrorist groups.
71	Tunisian	Muhammad al-Ya'qubi bin Khamis	Entered the country illegally in order to fight with the armed terrorist groups.
72	Tunisian	Omar al-Maluli bin al-Hadi	Entered the country illegally in order to fight with the armed terrorist groups.
73	Tunisian	Mahir al-Nabili bin Muhammad Najib	Entered the country illegally in order to fight with the armed terrorist groups.
74	Tunisian	Abu Bakr Ali Muhammad Bubatan	Entered the country illegally in order to fight with the armed terrorist groups.
75	Tunisian	Muhammad bin Bashir al-Ta'ib	Entered the country illegally in order to fight with the armed terrorist groups.
76	Tunisian	Arafat al-Tayyib bin Abdulla	Entered the country illegally in order to fight with the armed terrorist groups.
77	Tunisian	Abdulkarim al-Haush Buqa'ud	Entered the country illegally in order to fight with the armed terrorist groups.
78	Tunisian	Al-Hussain Muhammad Maris	Entered the country illegally in order to fight with the armed terrorist groups.
79	Tunisian	Muhammad bin al-Jalidi Naji	Entered the country illegally in order to fight with the armed terrorist groups.
80	Tunisian	Badr Qasim bin Rahmah	Entered the country illegally in order to fight with the armed terrorist groups.
81	Tunisian	Sami bin Abdulla al-Rabi'	Entered the country illegally in order to fight with the armed terrorist groups.
82	Tunisian	Ahmad abdulmajid Bilshahid	Entered the country illegally in order to fight with the armed terrorist groups.
83	Tunisian	Firas Munsif bin Ghazi	Entered the country illegally in order to fight with the armed terrorist groups.

No.	*Nationality*	*Name*	*Criminal act*
84	Tunisian	Muhammad Bilhaj Omar bin Hamadi	Entered the country illegally in order to fight with the armed terrorist groups.
85	Tunisian	Abdulhalim Awainah bin al-Naji	Entered the country illegally in order to fight with the armed terrorist groups.
86	Tunisian	Fahd al-Mas'udi bin Nuraddine	Entered the country illegally in order to fight with the armed terrorist groups.
87	Tunisian	Husam bin Abdulaziz Bilal	Entered the country illegally in order to fight with the armed terrorist groups.
88	Tunisian	Abdulsattar bin Salih bu Azizi	Entered the country illegally in order to fight with the armed terrorist groups.
89	Tunisian	Tawfiq bin Muhammad al-Munsif Ta'm	Entered the country illegally in order to fight with the armed terrorist groups.
90	Tunisian	Abdulsalam bin Muhammad al-Tahir Qusumi	Entered the country illegally in order to fight with the armed terrorist groups.
91	Tunisian	Mu'iz bin Abdulmajid Abdulrahman	Entered the country illegally in order to fight with the armed terrorist groups.
92	Libyan	Fahd Abdulkarim Salih al-Faritas	Entered the country illegally in order to fight with the armed terrorist groups.
93	Libyan	Anis Muhammad Ma'tuq Muhammad bin Muhammad	Entered the country illegally in order to fight with the armed terrorist groups.
94	Australian/ Syrian	Muhammad Yusuf al-Kalkuni	The [illegible] for a terrorist group in the city of Dar'a.
95	Palestinian/ Jordanian	Nabih Hussain Abu Zarkah	Helped to distribute arms; involved in the murder of Warrant Officer Imad Sirriah; transferred the sum of $3,000 from Imad "the Friend" to Sheikh Sariah al-Rifa'i for distribution to the terrorists.
96	Palestinian/ Jordanian	Khalid Sami Dib	Member of a terrorist group in Duma led by the terrorist Diyyab al-Sha'rawi; involved in setting up barricades where civilians were searched and robbed; robbed commercial establishments; monitored army movements.
97	Tunisian	Muhammad Ali Bilhaj Ahmad	Member of the salafist, *takfirist* Islamic [illegible] Party. Entered Syria with the intention of fighting after [illegible] by a member of Al-Qaida in Egypt, Sheikh Sayyid Ismail.
98	Libyan	Ibrahim al-Farajani	Member of a jihadist terrorist group called *tanthim ahrar al-sham*.
99	Iraqi	Ali Khalid Hussain al-Sisawi	Entered Syria on a forged Bulgarian passport with the aim of joining a terrorist group.

No.	*Nationality*	*Name*	*Criminal act*
100	Palestinian/ Syrian	Sa'di Abdulrahman al-Hindi	Member of a terrorist group; involved in setting up roadblocks and carrying out abductions.
101	Jordanian	Muhammad Bassam Ahmad	Member of a terrorist group; involved in setting up roadblocks and carrying out abductions.
102	Palestinian/ Syrian	Ibrahim Khalil Zainab	Member of a terrorist group; involved in setting up roadblocks and carrying out abductions.
103	Palestinian/ Syrian	Abdulrahman Muhammad Akram Sharkash	Smuggled arms in his private car from Lebanon to the terrorists.
104	Palestinian/ Syrian	Majid Aziz Makhluf	Member of a terrorist group called *katibat shuhada' ruknaddine*.
105	Palestinian/ Syrian	Muhammad Musa al-Ghazi	Attacked soldiers and military checkpoints.
106	Palestinian/ Syrian	Muhammad Bahir Abdulhakim al-Hindi	Attacked soldiers and military checkpoints.
107	Palestinian/ Syrian	Bahir Hisham al-Saqa	Attacked soldiers and military checkpoints.
108	Palestinian/ Syrian	Fadi Zainaddine Rustum	Attacked soldiers and military checkpoints.

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Agenda item 8
General debate

Letter dated 17 October 2012 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 17 October 2012 from His Excellency Mr. Hilmi Akil, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the text of the present letter would be circulated as a document of the General Assembly, under agenda item 8.

(*Signed*) Ertuğrul **Apakan**
Ambassador
Permanent Representative

12-56317 (E) 241012

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Annex to the letter dated 17 October 2012 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to refer to the statement made by the Greek Cypriot leader, Mr. Dimitris Christofias, during the latest plenary meeting of the General Assembly, which was held on 25 September 2012, and to bring to your attention the following considerations.

It is unfortunate that each year during the opening meeting of the General Assembly, the Greek Cypriot side, which purports to be the "Government of the Republic of Cyprus", prefers to continue with its practice of exploiting its usurped title in order to distort the legal and historical facts pertaining to the Cyprus problem. I, therefore, deem it necessary to set the record straight, once again, regarding the realities that have been prevailing in Cyprus for more than half a century.

The partnership Republic of Cyprus, which was founded in accordance with international treaties, was in fact destroyed in 1963 by the Greek Cypriot partner's onslaught on the Turkish Cypriot partner and there has not been a joint central administration in the island ever since. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the "Government of Cyprus". Consequently, as of 21 December 1963 there was no longer an entity capable of representing the "Republic of Cyprus", which was established on the basis of the 1960 international agreements, since one of the partners, namely the Turkish Cypriot side, was ousted by force of arms from all organs of the State and its Government.

In his statement Mr. Christofias' reference to the Turkish intervention in 1974 as "invasion" and the subsequent presence of Turkish troops on the island as "occupation" reflects neither the legal nor the historical facts of the island. As you are well aware, none of the Security Council resolutions on Cyprus refer to the rightful intervention of Turkey as "invasion" or its continued presence on the island to deter further Greek Cypriot atrocities as "occupation". As is well known, the Turkish intervention of 1974 is fully legitimate under international law since it was conducted in accordance with her rights and obligations deriving from the 1960 Treaty of Guarantee. Thus, the Cyprus problem is not one of "Turkish invasion and occupation", as often conveniently portrayed by the Greek Cypriot leadership, but one of continued usurpation of the fundamental rights, whether inherent or stemming from the international treaties, of the Turkish Cypriot people by their former partner with a view to ridding them of their internationally endorsed equal status and reducing them to a minority in Cyprus.

It is no surprise that during his statement, the Greek Cypriot leader repeated the well-known Greek Cypriot rhetoric in an effort to play the role of the victim, such as the so-called "mass transfer of settlers from Turkey", "violation of human rights and fundamental freedoms of the tens of thousands of displaced persons" as well as "the usurpation of their property and the rights of the enclaved", when indeed it is the Turkish Cypriot people whose most basic human rights have been persistently violated by the Greek Cypriot side since 1963, first in the form of an all-out attack for their total annihilation and then in the form of an all-embracing embargo that covers all fields of life.

In an effort to conceal the fact that the Greek Cypriot leadership has the sole responsibility for the current stalemate in the negotiations, Mr. Christofias blatantly distorts the facts of the negotiating process by falsely accusing President Eroğlu despite the latter's continued efforts to move the process forward after his election as the Turkish Cypriot leader. As a matter of fact, the Turkish Cypriot side has always adopted a positive and constructive approach in the process since the commencement of the negotiations in 2008 and it was always the Turkish Cypriot side that brought creative and new ideas to the table with a view to finding a common ground with the Greek Cypriot side for a compromise settlement. The Greek Cypriot leadership, on the other hand, had always preferred to repeat its well-known positions in the form of long "position papers" and insisted that the Turkish Cypriot side accept them.

The allegations of the Greek Cypriot leader aimed at misrepresenting the circumstances with regard to the negotiations are also unfounded. Indeed, the sole reason for the current impasse in the negotiations is the Greek Cypriot policy of playing for time while paying only lip service to settlement negotiations. As a result, due to the objections of the Greek Cypriot side, it was not possible to convene, with the participation of the guarantor countries, a high-level meeting to complete the final phase of the negotiations as the Secretary-General described it. Consequently, in the absence of a common understanding between the two parties on "the way forward", the substantive negotiations have come to a standstill. The public statement of Mr. Christofias that he would not run again for the Greek Cypriot leadership in the forthcoming elections in the South was another pretext utilized by the Greek Cypriot side to ignore the calls of the Turkish Cypriot side for meaningful discussions to agree on "the way forward".

In keeping with his usual selective approach while referring to the agreed basis for a solution, in his statement, Mr. Christofias conveniently omits, inter alia, one of the most fundamental parameters of the agreed basis: that in the event of a settlement there shall be two Constituent States of equal status, which was contained in the 23 May 2008 joint statement he concluded with the Turkish Cypriot side. The insistence of the Greek Cypriot leader to maintain a misleading approach as regards the agreed basis, creates further doubt as to his sincerity pertaining to the efforts carried out under the auspices of the Secretary-General for a fair and comprehensive settlement on the basis of the established United Nations parameters.

With regard to the issue of hydrocarbon exploration activities in the Eastern Mediterranean, it should be mentioned that it is the provocative actions of the Greek Cypriot side that is exacerbating tension in the region. As is known, the Greek Cypriot side has been engaged, unilaterally and unlawfully, in hydrocarbon exploration and drilling activities in order to create a fait accompli as regards the matter. In the face of the continued Greek Cypriot misinformation campaign, it needs to be reiterated that the Turkish Cypriot people, as one of the two equal partners on the island, are entitled to equal and inherent rights in every field, including the exploration, extraction and administration of the natural resources that lie within the maritime jurisdiction areas of the island. As the politically equal co-founding partner of the 1960 Republic of Cyprus, destroyed by the Greek Cypriots in the name of union with Greece, and as an equal partner in any future comprehensive settlement, the Turkish Cypriots undeniably have an equal and inherent right and say regarding the natural resources of Cyprus, including in sea areas of the island. There is an established understanding at the negotiations

between the two sides, including the most recent process, that issues related to the delimitation of maritime jurisdiction areas of the island of Cyprus will be left to the discretion of the new partnership government, where Turkish Cypriots and Greek Cypriots will share power on the basis of political equality. Moreover, in accordance with international law, the Greek Cypriot administration has no right to conclude bilateral agreements to delimit maritime jurisdiction areas or to conduct exploratory surveys or drilling activities in the Eastern Mediterranean. As is known, the delimitation of the continental shelf or the exclusive economic zone in a semi-enclosed sea, such as the Eastern Mediterranean, can be achieved only by the agreement of all parties and taking into account the rights and interests of all concerned under international law.

In view of the fact that the Cyprus problem remains unresolved and that the Turkish Cypriot and Greek Cypriot sides have not yet reached a mutual agreement on the issue of petroleum/natural gas, we believe that the issue of hydrocarbon exploration in the Eastern Mediterranean can be utilized as an instrument for cooperation rather than conflict. In this connection, I deem it necessary to refer to the proposal put forward, as a gesture of goodwill and conciliation, by President Dr. Derviş Eroğlu in New York on 24 September 2011, and later in a more comprehensive manner on 29 September 2012, regarding fair and equitable distribution of the hydrocarbon resources of the island. This proposal, in essence, envisages the establishment of a tripartite committee comprising a Turkish Cypriot, a Greek Cypriot and a United Nations representative to tackle all aspects of the matter in a fair and amicable manner. On the condition that the establishment of such a committee is accepted by the Greek Cypriot leadership, the proposal also includes the offer that the hydrocarbon resources are transported to Europe by a pipeline via Turkey (readiness of the Turkish authorities for the establishment of such a pipeline is also confirmed in the proposal). In fact, it is widely accepted by experts that the most viable route for transporting Eastern Mediterranean hydrocarbon resources to Europe is through a pipeline from Turkey. Thus, if the Greek Cypriot administration responds positively to this constructive proposal, an important issue that has been exacerbating tension in the region will be settled in an amicable and mutually beneficial manner and it will help to establish an atmosphere of cooperation, rather than confrontation, in the region.

I would like to remind the Greek Cypriot leadership, once again, that their counterpart is the Turkish Cypriot side, not Turkey. Moreover, I wish to stress that the continued attempts of Mr. Christofias to undermine and sideline the Turkish Cypriot side and its elected leadership do not instil confidence in the Turkish Cypriot people, but rather create serious doubt as to the readiness of the Greek Cypriot side for a genuine power-sharing agreement with the Turkish Cypriots.

Availing myself of this opportunity, I would like to thank the United Nations staff working in New York and in Cyprus for their dedication and praiseworthy efforts to help the two parties achieve a comprehensive settlement and bring the Cyprus problem to a closure. I believe that the continued interest and support of the international community, in general, and that of the United Nations, in particular, is of vital importance in the search for reconciliation in Cyprus.

(*Signed*) Hilmi **Akil**
Representative

United Nations A/67/542

General Assembly

Distr.: General
22 October 2012
English
Original: Arabic

Sixty-seventh session
Agenda item 75 (a)
Oceans and the law of the sea: oceans and the law of the sea

Letter dated 19 October 2012 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the following:

- A note verbale, Ref. No. 7/2/1/328359, dated 7 October 2012, addressed to you by the Permanent Mission of the Kingdom of Saudi Arabia, alerting you to infringements committed by the Islamic Republic of Iran (see annex).
- A note verbale, Ref. No. 7/2/1/327421, dated 6 October 2012, from the Ministry of Foreign Affairs of the Kingdom of Saudi Arabia, addressed to the Ministry of Foreign Affairs of the Islamic Republic of Iran, protesting about the infringement by Iran of the off-shore oil facilities in the eastern region of the Kingdom (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-seventh session of the General Assembly, under agenda item 75 (a).

(*Signed*) Abdallah Yahya A. **Al-Mouallimi**
Permanent Representative

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Annex to the letter dated 19 October 2012 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General

The Permanent Mission of the Kingdom of Saudi Arabia presents its compliments to the United Nations Secretary-General, and would like to draw to the latter's attention the fact that at 0853 hours on Wednesday, 6 Ramadan A.H. 1433 (25 July A.D. 2012), an Iranian helicopter circled several times over oil rig sites Nos. ADC-38 and NRL-337 in the Hasba field.

Furthermore, at 0715 hours on Thursday, 7 Ramadan A.H. 1433 (26 July A.D. 2012), two Iranian military launches intercepted and stopped a vessel belonging to a Saudi Aramco contractor in the Arabia field area.

Those two fields are Saudi Arabian off-shore fields, as set forth in the agreement concluded between the Kingdom of Saudi Arabia and the Islamic Republic of Iran on 2 Sha'ban A.H. 1388 (24 October A.D. 1968), in which the line demarcating the border between the two countries' off-shore fields is delineated.

The Government of the Kingdom of Saudi Arabia has protested about this conduct and demanded, in note verbale No. 7/2/1/327421 dated 20 Dhu'lqa'dah A.H. 1433 (6 October A.D. 2012), addressed to the Ministry of Foreign Affairs of the Islamic Republic of Iran by the Ministry of Foreign Affairs of the Kingdom of Saudi Arabia, a copy of which is hereby transmitted to you, that the Government of the Islamic Republic of Iran ensures that it is not repeated. The Government of the Kingdom of Saudi Arabia reserves its right to take any action it deems fit in order to protect its waters and oil installations, and holds the Iranian authorities fully responsible for all possible consequences.

The Permanent Mission of the Kingdom of Saudi Arabia requests the United Nations Secretary-General to circulate the present note verbale and the annexed note verbale comprising the protest of the Ministry of Foreign Affairs to all States Members of the United Nations and have it published in the forthcoming issue of the Law of the Sea Bulletin.

The Permanent Mission of the Kingdom of Saudi Arabia takes this opportunity to convey to the United Nations Secretary-General the assurances of its highest consideration.

The Ministry of Foreign Affairs of the Kingdom of Saudi Arabia presents its compliments to the Ministry of Foreign Affairs of the fraternal Islamic Republic of Iran, and would like to draw to the latter's attention the fact that at 0853 hours on Wednesday, 6 Ramadan A.H. 1433 (25 July A.D. 2012), an Iranian helicopter circled several times over oil rig sites Nos. ADC-38 and NRL-337 in the Hasba field area.

Furthermore, at 0715 hours on Thursday, 7 Ramadan A.H. 1433 (26 July A.D. 2012), two Iranian military launches intercepted and stopped a vessel belonging to a Saudi Aramco contractor in the Arabia field area.

Those two fields are Saudi Arabian off-shore fields, as set forth in the agreement concluded between the Kingdom of Saudi Arabia and the Islamic Republic of Iran on 2 Sha'ban A.H. 1388 (24 October A.D. 1968), in which the line demarcating the border between the two countries' off-shore fields is delineated.

The Government of the Kingdom of Saudi Arabia objects to this conduct and demands that the Government of the Islamic Republic of Iran ensures that it is not repeated. The Government of the Kingdom of Saudi Arabia reserves its right to take any action it deems fit in order to protect its waters and oil installations, and holds the Iranian authorities fully responsible for all possible consequences.

The Ministry of Foreign Affairs of the Kingdom of Saudi Arabia takes this opportunity to convey to the Ministry of Foreign Affairs of the Islamic Republic of Iran the assurances of its highest consideration.

United Nations A/67/543–S/2012/780

General Assembly
Security Council

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General Assembly
Sixty-seventh session
Agenda item 72
Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Security Council
Sixty-seventh year

Letter dated 18 October 2012 from the Permanent Representative of Zimbabwe to the United Nations addressed to the Secretary-General

I have the honour to refer to the seventeenth annual report of the International Criminal Tribunal for Rwanda (A/67/253-S/2012/594), which was submitted to you by the President of the Tribunal, Vagn Joensen, and transmitted to the President of the General Assembly and the President of the Security Council. Under the heading "Activities of the Office of the Prosecutor", in paragraph 44 it is stated that in the search for three fugitives, cooperation with some Member States, in particular Zimbabwe and Kenya, continues to be slow.

This is a misguided perception by the Prosecutor, who has sent tracking teams to Zimbabwe on several occasions in search of one of these fugitives. The Republic of Zimbabwe rejects this portrayal of its cooperation with the International Criminal Tribunal for Rwanda and is dismayed by the continuing smear campaign it has received from the Prosecutor over the past few years.

I refer you to Zimbabwe's letter dated 27 June 2012 (S/2012/497) on the same matter, which was responding to the Prosecutor's statement to the Security Council on the work of the Tribunal.

Zimbabwe takes seriously its international obligations and in this regard has fully cooperated with the International Criminal Tribunal for Rwanda. Zimbabwe also welcomes the progress made by the Tribunal and believes that, together with other tribunals, it has laid a strong foundation for peace and justice through the development and the enforcement of international criminal law.

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Zimbabwe once again wishes to inform you that on three occasions it has welcomed to the country tracking teams from the Prosecutor of the International Criminal Tribunal for Rwanda and has worked with them to establish whether Protais Mpiranya is in Zimbabwe. Last month, September 2012, a tracking team from the Tribunal was in Zimbabwe and held meetings with various authorities on the issue.

As Rwanda stated in its statement to the General Assembly on 15 October 2012, the Government of Zimbabwe has launched a manhunt for the fugitive, Protais Mpiranya. It has even offered a reward for anyone in the country with information on his whereabouts.

This proves beyond reasonable doubt that Zimbabwe is cooperating with the International Criminal Tribunal for Rwanda. In any case, it is in Zimbabwe's interest to cooperate with the Tribunal to put this issue to rest to the satisfaction of all those involved.

Taking into account the above, Zimbabwe is disheartened by the continued baseless doubts as to its cooperation, and the peddling of false allegations against it by the Prosecutor. Zimbabwe strongly feels that it must be treated fairly and with respect. In this case, its views should have been sought before the finalization of the report.

The Government of the Republic of Zimbabwe will continue to cooperate with the Tribunal as required and in fulfilment of its international obligations as a member of the United Nations.

I should be most grateful if the present letter could also be transmitted to the President of the International Criminal Tribunal for Rwanda, the President of the General Assembly and the President of the Security Council. I also request that it be circulated as a document of both the General Assembly and the Security Council.

(*Signed*) C. **Chipaziwa**
Ambassador
Permanent Representative

United Nations A/67/544

General Assembly

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22 October 2012

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Sixty-seventh session
Agenda item 45
Question of the Falkland Islands (Malvinas)

Letter dated 18 October 2012 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

In accordance with instructions received from the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to refer to the letter dated 5 October 2012 from the Chargé d'affaires of the Permanent Mission of Argentina (A/67/513).

The Government of the Republic of Argentina continues to make unfounded claims that the United Kingdom is "militarizing" the South Atlantic. The Government of the United Kingdom unequivocally rejects these false assertions. The United Kingdom's defence posture in the South Atlantic has remained unchanged for many years.

The United Kingdom carries out routine biannual exercises involving short range air defence missiles on the Falkland Islands. These missiles were positioned on the Falkland Islands as a defensive measure following the Republic of Argentina's illegal invasion and occupation of the Islands in 1982. This year such exercises were carried out in July and October. As the Republic of Argentina is well aware, these exercises have been conducted safely for 30 years, and at no point has the safety of life at sea been put at risk. Such exercises are routine and consistent with the rights of all States. Indeed, the United Kingdom reminds the Republic of Argentina that its own military exercises also include live firing out to sea.

The United Kingdom responded in detail on 22 February 2012 (A/66/706) to the false claims made by the Republic of Argentina in its presentation on 10 February 2012. The United Kingdom response made clear the routine nature of the biannual exercises referred to above. It also confirmed the United Kingdom's position with regard to nuclear weapons. The United Kingdom ratified the Protocols to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (the Treaty of Tlatelolco) in 1969, and it fully respects these obligations. The United Kingdom position on its nuclear deterrent is unambiguous: the United Kingdom will not use — or threaten to use — nuclear weapons against non-nuclear-weapon States parties to, and in compliance with, the Nuclear Non-Proliferation

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Treaty. The United Kingdom is disappointed that the Republic of Argentina continues to make completely unfounded allegations of increased militarization of the South Atlantic, despite this detailed response. It is these frequent and unfounded allegations made by the Republic of Argentina that raise tensions in the region — not the United Kingdom's defence posture, which has remained unchanged for many years.

The Republic of Argentina illegally invaded the Falkland Islands in 1982 and did not comply with the Security Council resolutions calling on it to withdraw its forces peacefully. The Republic of Argentina continues to pursue hostile measures to isolate the Islands and damage their economy. The United Kingdom military presence in the South Atlantic is defensive. It is designed purely to protect and preserve the Falkland Islanders' right of self-determination, as enshrined in the Charter of the United Nations.

As part of the United Kingdom's defence posture, the Royal Navy has a continuous presence in the South Atlantic. The current deployment of *HMS Edinburgh* to the South Atlantic has been long planned as a replacement of another ship on station, and is entirely routine. Her deployment is not, as the Republic of Argentina implies, an increase of the United Kingdom's naval presence in the region.

The United Kingdom Government attaches great importance to the principle of self-determination as set out in Article 1.2 of the Charter of the United Nations and common article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. That principle underlies our position. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Islanders so wish. However, the United Kingdom remains willing to engage in regular military-to-military discussions, communications and confidence-building measures as envisaged under various Joint Statements issued since 1982. The United Kingdom calls on the Republic of Argentina to desist from the adoption of hostile measures aimed at isolating the Falkland Islanders.

I should be grateful if you would circulate the text of the present letter as a document of the General Assembly, under agenda item 45.

(*Signed*) Philip **Parham**
Chargé d'affaires a.i.